THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 20321 of 1997

Dated: 18-07-2006

Between:

A.P.S.R.T.C.,
Rep., by its Managing Director,
Mushirabad, Hyderabad.

..... PETITIONER

AND

The State Transport Appellate
Tribunal, A.P., Hyderabad
And two others.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 20321 of 1997

O R D E R:

This writ petition is filed by the Andhra Pradesh State Transport Corporation questioning the order dated 16-05-1997 passed by the first respondent-A.P. State Transport Appellate Tribunal in A.P.No.852 of 1996, whereunder the order dated
24-09-1996 passed by the second respondent-Regional Transport Authority was set aside.

The facts, in brief, are as under:

The third respondent herein made an application for grant of a stage carriage permit to ply as town service on the route T.Sundupalli Bus Stand to Badisalavanka (via) Thimmasamudram. The second respondent by order dated 24-09-1996 rejected the request of the third respondent on the ground that the scheme covered by G.O.Ms.No.1145/75 on the route Piler to T.Sundupally, prohibits grant of future muffussil service permits on the notified route. Questioning the same, the third respondent preferred an appeal before the Tribunal. The Tribunal below, after hearing both the parties, allowed the appeal by order dated
16-05-1997. Accordingly, while setting aside the order of the second respondent, directed to issue permit to the appellant therein (third respondent) in respect of the route in question within four months.
Challenging the said order the Corporation filed this writ petition contending *inter alia* that the scheme is actually notified under G.O.Ms.No.1145/76 in respect of the route Piler to T.Sundupalli, however, it was wrongly mentioned before the authorities below as

G.O.Ms.No.1145/75.

On the other hand, learned counsel appearing for the third respondent, contended that the allegation of the corporation that the route in question overlaps the notified route in G.O.Ms.No.1145/75 dated 07-12-1976 is absolutely incorrect.

Having regard to the facts and circumstances of the case and keeping in view the specific plea of the Corporation that as per the scheme under G.O.Ms.No.1145/75 there was overlapping but by mistake, the said scheme was not placed before the Tribunal below, I am of the opinion that the matter requires reconsideration by the Tribunal.

The contention raised by the third respondent that there is no overlapping at all requires enquiry by the competent authorities if necessary on a spot inspection and therefore no finding as such can be recorded by this Court.

Accordingly, the impugned order passed by the Tribunal below is set aside and the writ petition is disposed of with a direction to the Tribunal below to consider the appeal afresh and pass appropriate orders in accordance with law after hearing both the parties. It is made clear that in case, the petitioner is plying the vehicle in terms of the impugned order dated 16-05-1997, he shall be permitted to continue till the appeal is decided afresh in terms of this order. No costs.

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G. ROHINI, J

Dated: 18-07-2006
KLP